



BEAVERCREEK BOARD OF ZONING APPEALS
Regular Meeting – May 8, 2019, 6:00 p.m.
Council Chambers

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. REORGANIZATION
- V. APPROVAL OF MINUTES
 - A. October 10, 2018
- VI. PUBLIC HEARINGS
 - A. V-19-1, Cherry Hill Shopping Center, 3979 Indian Ripple Road
 - B. V-19-2, William Daniels Jr., 2154 Marchfield Way
- VII. ADJOURNMENT

BEAVERCREEK BOARD OF ZONING APPEALS
REGULAR MEETING, October 10, 2018, 6:00 PM

PRESENT: Mr. Duerr, Mr. Hung, Mr. Morter, Mr. Porter

ABSENT: Mr. Kruse

Chairman Hung called the meeting to order followed by roll call.

Mr. Duerr MOVED to excuse Mr. Kruse from the meeting, seconded by Mr. Morter. Motion PASSED by majority voice vote.

Mr. Morter MOVED approval of the agenda, seconded by Mr. Duerr. Motion PASSED by majority voice vote.

REORGANIZATION

Chairman

There were no nominations for chair, so it was decided Mr. Hung remained chairman.

Vice Chairman

Mr. Hung nominated Mr. Kruse for vice chairman, seconded by Mr. Morter. There were no other nominations, so Mr. Kruse was selected as vice chairman.

Mr. Morter MOVED approval of the July 11, 2018 minutes, seconded by Mr. Duerr. Motion PASSED by majority voice vote. (Hung abstained)

PUBLIC HEARING

V-18-4, Joseph & Mary Hopkins, 2109 Beaver Valley Road

Clerk Gillaugh read the notice of public hearing on an application filed by Joseph & Mary Hopkins, 2109 Beaver Valley Road, Beavercreek, OH 45434, requesting a variance from Chapter 158.104 (D) of the City of Beavercreek Zoning Code, requesting permission to construct an accessory structure where the height would be higher than 16 feet within a A-1 District. The property is located on the west side of Beaver Valley Road, seven lots south of the intersection of Beaver Valley Road and Kemp Road further described as Book 4, Page 19, Parcel 4 on the Greene County Auditor's Property Tax Atlas.

Mr. Hopkins explained he was requesting a variance to build a pole barn that would be 30-foot by 40-foot with a height of just under 20 feet to accommodate his needs. He said the lot is fairly wooded, and from the street no one would probably ever notice the structure and question the height.

Ms. Pereira summarized the staff report dated October 5, 2018, which stated if the variance was approved tonight it would allow for the construction of an accessory structure that would exceed the maximum height of 16 feet. She discussed the location of the property, and explained what Chapter 158.104 (D) says in the City of

Beavercreek Zoning Code. Ms. Pereira discussed the photos of the lot. She said with the size of lot and the distance the structure is being proposed from the roadway staff did not feel it would cause any negative effects for surrounding properties. Staff recommended approval of the case with one condition.

There being no public input, the public hearing was closed.

Mr. Duerr asked if the applicant had heard from any neighbors. Mr. Hopkins explained he had spoken to both of his neighbors, and they did not express any concern. Mr. Duerr questioned if there was a Homeowner's Association in place. Mr. Hopkins said no. Mr. Duerr referred to his letter of intent, and said it mentioned he had looked at several options and questioned if anything had changed. Mr. Hopkins stated no, and to meet the need he has there is no economical viable option.

Mr. Hung asked what the barn was going to be used for. Mr. Hopkins said generally it will be used for storage, but he is nearing retirement and one of his hobbies requires a car lift. He stated he was also interested in getting some type of an RV. Mr. Hung questioned if he felt it was going to increase the value of his property. Mr. Hopkins said everything he has looked at does not say a pole barn will increase the value of his property, but it would not decline. Mr. Hung asked what the side yard setbacks would be for this structure. Ms. Pereira explained it needed to be 10 feet from the property line.

Mr. Morter MOVED to V-18-4 with one condition:

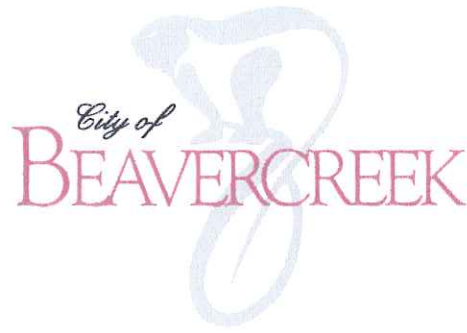
1. A Residential Zoning permit must be approved by the Planning and Zoning Department prior to the construction of the accessory structure.

Motion was seconded by Mr. Porter, and PASSED by unanimous voice vote.

ADJOURNMENT

Mr. Porter MOVED adjournment at 6:16 p.m., seconded by Mr. Duerr. Motion PASSED by majority voice vote.

Melissa Gillaugh
Deputy Clerk



BOARD OF ZONING APPEALS STAFF REPORT

CASE: V 19-1 Cherry Hill Shopping Center

APPLICANT: Cathie Johnson, Agent for the Owner
2781 Thunderhawk Court
Dayton OH 45414

NATURE OF REQUEST:

The applicant is requesting approval of a ground sign that would exceed the maximum allowed height within a B-2, Community Business District, by 1.5 feet and the maximum square footage by 3.3 square feet.

FINDINGS:

1. The property under discussion is located at 3979 Indian Ripple Road, one lot east of the corner of Indian Ripple and Darst Roads.
2. The property has a zoning designation of B-2, community business. §158.152(B)(4) of the Beavercreek Zoning Code allows for one ground sign with a maximum square footage of 25 square feet per side, 50 square feet total, and a maximum height of 5 feet from grade to the top of the sign within this zoning district.
3. As shown in the attached plans, the proposed sign is approximately 26.65 square feet per side and 6.5 feet tall.
4. The existing ground sign is approximately 4.9 feet tall and 20 square feet per side.
5. Tenants within the shopping center have expressed concerns to the City and the property owner about the visibility of their businesses, since the new Speedway gas station was completed.



DISCUSSION:

When the Speedway gas station was going through the planning and development review phases, Mr. Scott, the owner of the Cherry Hill Shopping expressed concerns about the positioning of the new building. The old building lined up with the shopping center, facing Indian Ripple, but the proposal for the new gas station, and what was ultimately constructed, had the building facing Darst Road and blocking visibility of the Shopping Center when driving along Indian Ripple. Once completed, tenants expressed their frustration to the City with the low visibility of their tenant spaces. Additionally, a new ground sign at the Speedway, which is significantly larger and taller than the Cherry Hill shopping center signage, blocks visibility of the existing ground sign. To counter this, the applicant is proposing a new larger sign that would advertise all tenants, including those that are no longer visible because of the new development. Due to these circumstances Staff finds that the variance request from §158.152(B)(4) meets the requirements for approval per §158.172 (H)(5)(a) of the City of Beavercreek Zoning Code.

RECOMMENDATION:

Staff recommends that the Board of Zoning Appeals find that:

1. The reasons set forth in the application are valid and justify the granting of the requested variance, and
2. The eight items in §158.172 (H)(5)(a) have been fully satisfied.

Staff further recommends that the Board of Zoning Appeals adopt the attached resolution approving a variance from §158.152 (B)(4) with the following conditions:

1. A Permanent Sign Permit must be approved by the Planning and Zoning Department prior to the construction of the new ground sign.

**RESOLUTION
BOARD OF ZONING APPEALS
CASE NO. V-19-1**

WHEREAS, Cathie Johnson, agent for the owner, has made application for a variance from the strict application of the requirements of the City of Beavercreek Zoning Code for the property located at 3979 Indian Ripple Road; and

WHEREAS, the applicant is requesting permission to construct a ground sign that would exceed the maximum height requirement by 1.5 feet and size requirement by 3.3 square feet in a B-2 zoning district; and

WHEREAS, a public hearing was held on May 8, 2019, at which time all persons were given opportunity to comment on the application; and

WHEREAS, the Board of Zoning Appeals finds that the reasons set forth in the application are valid and justify the granting of the variance; and

WHEREAS, the Board of Zoning Appeals finds that subparagraphs 1 through 8 of §158.172 (H)(5)(a) have been fully satisfied.

NOW therefore the Board of Zoning Appeals orders that:

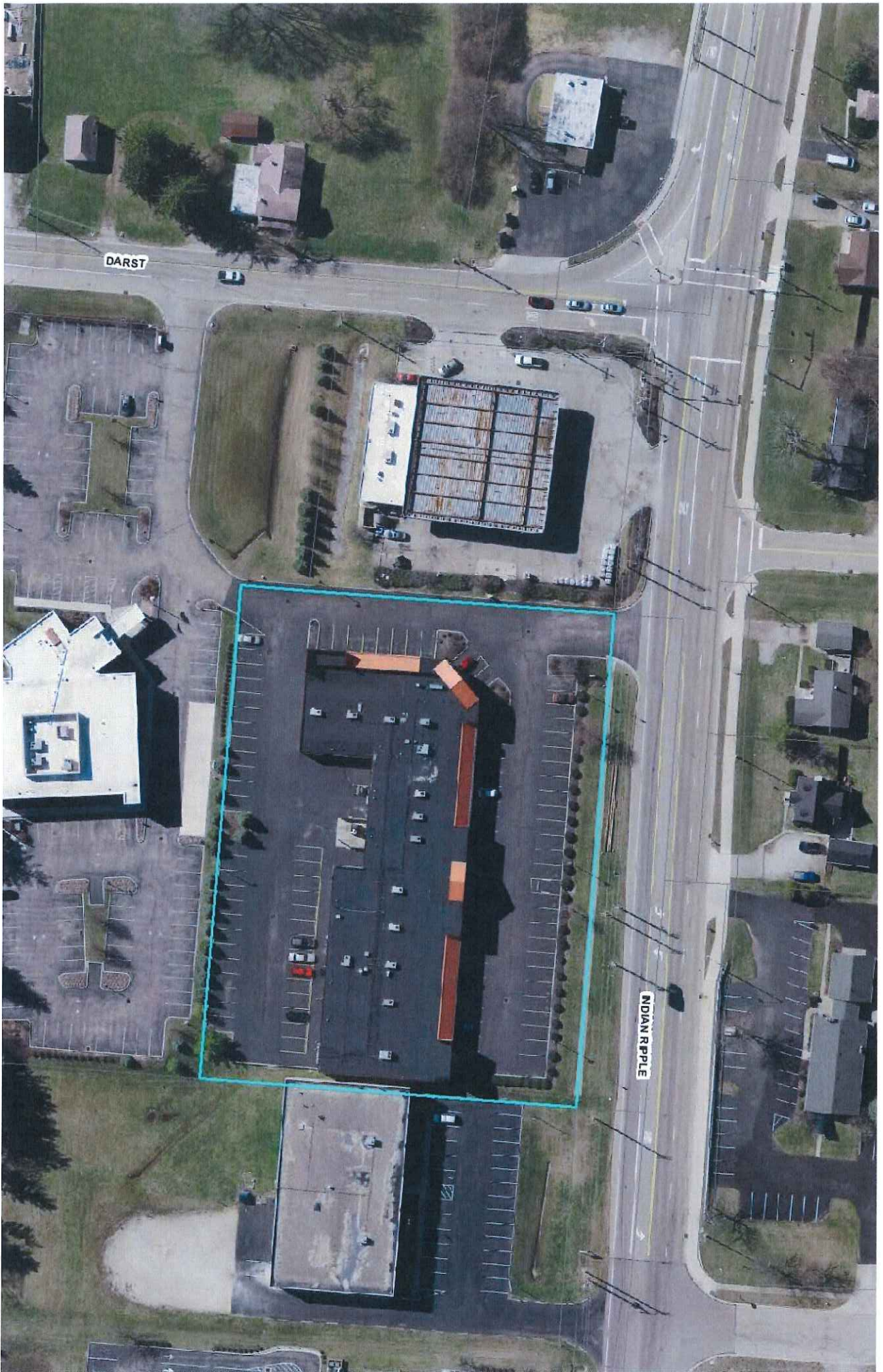
A variance from the maximum size and height requirement for ground signs within a B-2 zoning district be approved with the following conditions:

1. A Permanent Sign Permit must be approved by the Planning and Zoning Department prior to the construction of the accessory structure.

ACTION BY BOARD OF ZONING APPEALS

(Date)

Chairman



new sign.

2-Sided Monument with Multi-Tenant Cabinet

Routed aluminum faces with white acrylic backs on main structure. White polycarb, removable faces on multi-tenant cabinet.

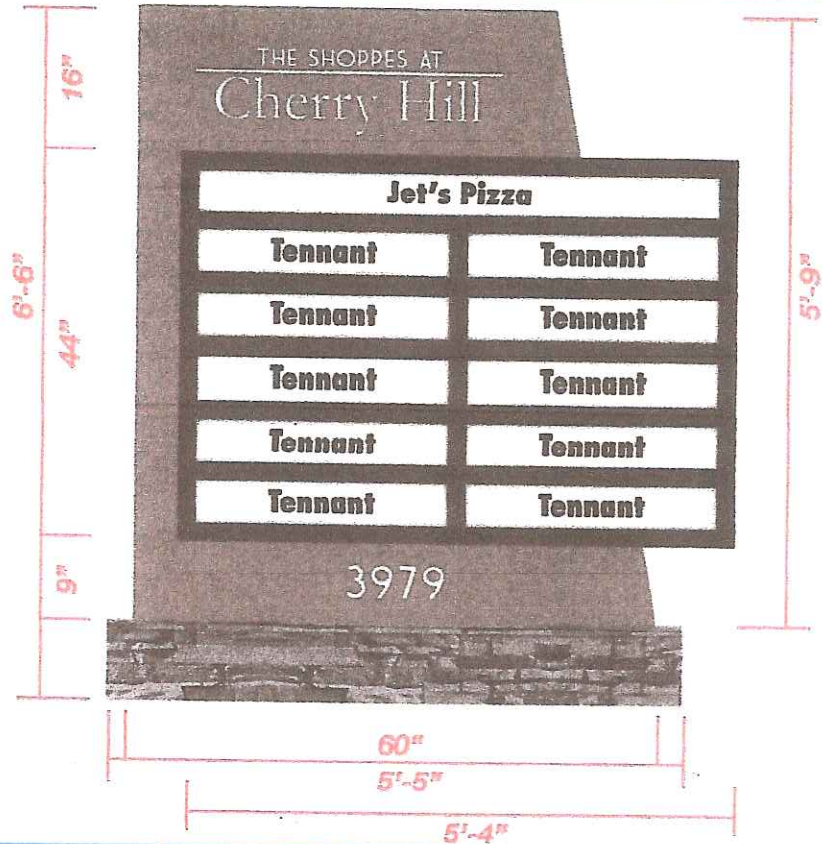
Overall size - 6'-6"T x 6'W
(on existing brick base with Dutch Quality Stone Ashen Dry Stack Facade.)
Cabinet size - 5'-9"T x 5'W
(28.75 sq.ft.)
Cabinet painted SW 6082 "Cobble Brown"

Tenant Panel Cabinet - 5'-4"W x 44"T overall
(19.5 sq.ft.)
Each tenant panel - 5"T x 29"W
Top tenant panel - 5"T x 60"W
Cabinet painted black.

Logo - 7.77"T x 35.3"W - (1.91 sq.ft.)

Address - 4"T x 11.37"W
(0.33 sq.ft.)

Overall active signage area - 19.35 sq.ft.



Design Proof

Drawn by: Bill Scheiding

4-2-2019

SIGN
Dynamics
from corporate to crazy

The Shoppes at Cherry Hill - 2-Sided Monument with Tenant Panels

Project Manager: April Swett

Approved by:

By signing, I affirm that the artwork as shown, including colors, size, spelling, placement, etc. are correct, and approved for production and/or installation.

THIS RENDERING IS THE PROPERTY OF SIGN DYNAMICS. IT IS FOR THE EXCLUSIVE USE OF SIGN DYNAMICS AND THE PARTY WHICH REQUESTED THE RENDERING. IT IS AN UNPUBLISHED ORIGINAL DRAWING NOT TO BE DISTRIBUTED, REPRODUCED, OR EXHIBITED WITHOUT THE CONSENT OF SIGN DYNAMICS. COPYRIGHT SIGN DYNAMICS. COLOR OUTPUT MAY NOT BE EXACT WHEN VIEWING OR PRINTING THIS DRAWING. AND IS NOT INTENDED TO PROVIDE AN EXACT MATCH BETWEEN INK, VINYL, PAINT, OR LED COLORS. ALL COLORS USED ARE PMS OR CMYK EQUIVALENT. IF THE COLORS ARE IN DISCREPANCY, PLEASE PROVIDE THE CORRECT PMS MATCH. AND A REQUEST TO THE DRAWING ORIGINATOR. ARTIST'S PROPERTY AND EQUIPMENT, MATERIALS, AND LABOR CHARGES ARE NOT INCLUDED IN THE PROPOSAL. ALL MEASUREMENTS SHOWN ARE APPROXIMATIONS. DIMENSIONS OF FINAL PRODUCT MAY VARY.







BOARD OF ZONING APPEALS STAFF REPORT

CASE: V 19-2

APPLICANT: William Daniels Jr.
2154 Marchfield Way
Beavercreek OH 45434

NATURE OF REQUEST:

The applicant is requesting approval of a variance to allow a 7-foot encroachment into the ten-foot rear yard setback in order to install solar panels in a R-PUD, residential planned unit development district.

FINDINGS:

1. The property under discussion is located at 2154 Marchfield Way within Hunter's Ridge, Section 11.
2. The property has a zoning designation of R-PUD and must adhere to the requirements of accessory structures that all residential zoning districts must meet. §158.104 (A) of the City of Beavercreek Zoning District states In no event shall any detached accessory structure be located nearer than ten feet from side and rear property lines.
3. As shown in the attached plans, the proposed solar panels would be 3 feet from the rear property line.
4. The proposed panels would be nearly 50 feet long and approximately 12 feet wide and 8 feet tall.

DISCUSSION:

The applicant received permit approval from the Planning and Development department to locate a solar panel array on the roof of the main structure as well as in the rear yard, ten feet from the property line. The applicant then expressed a desire to relocate them closer to the property line in order to maximize the number of panels installed. Because the applicant can install a smaller array to meet the requirements of the code and a 7-foot request is not the least possible variance, Staff finds that the variance request from §158.104(A) does not meet the

requirements for approval per §158.172 (H)(5)(a) of the City of Beavercreek Zoning Code.

RECOMMENDATION:

Staff recommends that the Board of Zoning Appeals find that:

1. The reasons set forth in the application are not valid and do not justify the granting of the requested variance, and
2. The eight items in §158.172 (H)(5)(a) have not been fully satisfied.

Staff further recommends that the Board of Zoning Appeals adopt the attached resolution denying a variance from §158.104 (A).

**RESOLUTION
BOARD OF ZONING APPEALS
CASE NO. V 19-2**

WHEREAS, William Daniels Jr., has made application for a variance from the strict application of the requirements of the City of Beavercreek Zoning Code for the property located at 2154 Marchfield Way; and

WHEREAS, the applicant is requesting permission to construct solar panels that would encroach into the required 10- foot rear yard setback by 7 feet.

WHEREAS, a public hearing was held on May 8, 2019, at which time all persons were given opportunity to comment on the application; and

WHEREAS, the Board of Zoning Appeals finds that the reasons set forth in the application are not valid and do not justify the granting of the variance; and

WHEREAS, the Board of Zoning Appeals finds that subparagraphs 1 through 8 of §158.172 (H)(5)(a) have not been fully satisfied.

NOW therefore the Board of Zoning Appeals orders that:

A variance from the rear-yard setback requirement be denied.

ACTION BY BOARD OF ZONING APPEALS

(Date)

Chairman



City of Beavercreek ,Ohio Board of Zoning Appeals

Justification of Variance

William Daniels Jr
2154 Marchfield Way
Beavercreek OH 45410

For backyard solar installation at 2154 Marchfield Way, Beavercreek OH

The solar project has already been approved by the City of Beavercreek Planning and Zoning Department, but after the preliminary on- site layout of the solar array there exist conditions and/or circumstances relating to the property that would create practical difficulties for the property owner if strict conformance to the requirements of the Zoning Code were required, being that a 3 foot setback rather than the Zoning Code 10 foot setback for the proposed backyard solar array will allow the array to collect sunlight and generate electrical power as designed, while conforming to the 10 foot setback will force a reduction in the size of the system and prevent the solar array from operating feasibly and efficiently. The proposed 3 foot setback will also be a much better fit in the yard being closer to the fence and tree line and will help hide the solar array making it less obvious while allowing plenty of room for both fence and solar array maintenance.

This variance is the minimum variance possible and other alternatives for resolving the conflict between the applicant's plan and the requirements of the Zoning Code are impractical or infeasible as mentioned above.

The granting of this variance will be in harmony with the general spirit, intent, and purpose of the Zoning Code allowing the property owner reasonable use of their yard and the granting of the variance will not be injurious to the surrounding properties and the general neighborhood or be otherwise detrimental to the public welfare, but will in fact be quite the contrary and will benefit the public welfare by allowing a clean energy solar array to be built.

The granting of the variance will not result in a deleterious change in the character of the community, but, again, will be the contrary and create a benefit to the community as well as serving to show the City of Beavercreek to be progressive and positive in allowing and encouraging its residents to use solar power to effect real environmental change.

The granting of the variance will not infringe upon the rights and quiet enjoyment of adjacent property owners and will not diminish property values, endanger the public safety, or create a public nuisance. Property values will actually be increased and the solar array will be next to a six foot privacy fence where the adjacent property owner has a row of trees and tall bushes immediately on the property line that grow above and over the fence and property line helping conceal the solar array from view.

The granting of the variance is for a compelling reason and not simply because the applicant's plans conflict with the Zoning Code requirements when reasonable alternatives are available. There are no reasonable alternatives to the proposed location of the solar array and the proposed location is also the best location considering the fence and tree and bush growth on the property line. The project has been approved by the City of Beavercreek Planning and Zoning Department but a variance is required to move the solar array to the 3 foot setback to make to project practical and feasible.

The granting of this variance is not solely for the economic benefit of the applicant and will be in harmony with the spirit and purpose of the Zoning Code. The granting of this variance will in no way be detrimental to the neighborhood nor the community, will leave ample room for maintenance, and will have a positive environmental impact and a benefit to the community and the public good. All being very compelling reasons to grant this variance.